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REMARKS

The undersigned gratefully acknowledges the Examiner's efforts to date and hereby responds fully to the outstanding office action.

Objection of Specification

The Examiner has objected to informalities in the disclosure. All but one of these informalities has been revised accordingly and this objection should be now overcome. In particular, paragraph [00024] at line 10 has not been changed as "node 100" pointed out by the Examiner cannot be found. Rather, "node 180" exists and is believed to be a proper description.

Objection to Drawings

The Examiner has objected to Figure 1 as failing to include a reference to the "network 10" as described in the Specification. Accordingly, an amended replacement drawing sheet accompanies this response with such reference "10" included therein.

Rejection of Claims 1-6, 9, and 13-14 under 35 USC §103(a)

The Examiner has rejected Claims 1-6, 9, and 13-14 as being unpatentable over Peterson (U.S. Patent 6,049,530) in view of Rodriguez (TCP/IP Tutorial and Technical Overview; Rodriguez, Adolfo et al.). Applicant respectfully disagrees.

Applicant has amended each independent claim in such a manner so as to more clearly present the scope of patent protection sought. Specifically, an important aspect of the present invention is to provide segmentation of a multi-protocol label switched network path for operation and maintenance purposes. Such multi-protocol label switched network as claimed only allows unidirectional routing. Applicant has revised each of independent Claims 1 and 9 to clearly require a multi-protocol label switched network.

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Applicant submits that Peterson only shows an asynchronous transfer mode mechanism in the form of an activation AAL2 packet which self-identifies the requirement to be processed at a segment boundary. Applicant respectfully notes that no such capability exists within a multi-protocol label switched network. As discussed within Applicant's background section at paragraph [0004], performance determination (e.g., operation and maintenance) is only possible in a multi-protocol label switched network between the ingress and egress points on the path. While the cited Rodriguez reference generally outlines a multi-protocol label switched network overview, nothing in Rodriguez shows or fairly suggests segmentation of a path for operation and maintenance purposes.

Still further, Applicant notes that Peterson requires that the AAL2 packet re-traverses the path from the destination node to the source node (see col. 5, lines 43-45 and col. 8, line 20). This is in sharp contrast to the instant claimed invention that only allows unidirectional flow. Such bi-directional flow in Petersen is also in contrast to Rodriguez's unidirectional flow. Indeed, the ATM network of Peterson is clearly a distinct protocol from Rodriguez's MPLS network. Accordingly, the bi-directional AAL2 packets of Peterson would clearly not suggest or motivate one of ordinary skill in the art to modify Rodriguez, or vice-versa. Moreover, the mechanism of Petersen would be rendered inoperative within an MPLS system such as within Rodriguez.

Applicant's review of the outstanding Office Action indicates that the only suggested motivation by the Examiner appears to be a point made within section 18.2.1.2 of Rodriguez where it is stated that the VPI/VCI fields in an ATM network could be used to store an MPLS label. Indeed, one could likely store just about any data within such ATM fields. However, Applicant respectfully submits that simply taking certain data (i.e., an MPLS label) and storing it within a certain data field in an ATM network does not rise to the level of providing proper motivation to combine the bi-directional AAL2 packets of Peterson with Rodriguez's unidirectional flow. Accordingly, no proper motivation is believed to exist to suggest combining these two base references.

Claims 4 and 13 have been canceled as such subject matter is now found within amended Claims 1 and 9, respectively. Each of Claims 2-3, 5-6, and 14 are dependent from the amended independent Claims 1 and 9 and such arguments made above equally apply to these dependent claims.

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Applicant therefore respectfully submits that these claimed features are not disclosed by Peterson taken alone or in combination with Rodriguez. Accordingly, Applicant submits that pending Claims 1-3, 5-8, 9, and 14 are allowable over this combination of references.

Rejection of Claims 15, 17, and 18 under 35 USC §103(a)

The Examiner has rejected Claims 15, 17, and 18 as being unpatentable over Peterson taken alone. Applicant respectfully disagrees.

Applicant has amended independent Claims 15 and 18 to reflect the aspects as discussed in detail above in regard to Claims 1 and 9. Applicant further incorporates the arguments made above as such equally apply to the rejection of Claims 15, 17, and 18. Specifically, Peterson discloses a bi-directional AAL2 packet within an ATM network. Peterson fails to show or suggest any functionality or use within a multi-protocol label switched network that only allows unidirectional routing. Accordingly, Applicant submits that Claims 15, 17, and 18 are allowable over this reference.

Rejection of Claims 16 and 19 under 35 USC §103(a)

The Examiner has rejected Claims 16 and 19 as being unpatentable over Peterson in view of Rodriguez. Applicant respectfully disagrees, but notes that these claims have been canceled as such subject matter has now been added to their respective independent claims from which they previously depended.

Rejection of Claims 20-23 under 35 USC §103(a)

The Examiner has rejected Claims 20-23 as being unpatentable over Klevens (U.S. 6,885,677) in view of Peterson and Rodriguez. Applicant respectfully disagrees.

Applicant has amended independent Claim 20 to reflect the aspects as discussed in detail above in regard to Claims 1 and 9. Applicant further incorporates the arguments made above as such equally apply to the rejection of Claim 20 and Claims 22-23 that depend therefrom.

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Claim 21 has been canceled. Specifically, Peterson discloses a bi-directional AAL2 packet within an ATM network. Peterson fails to show or suggest any functionality or use within a multi-protocol label switched network that only allows unidirectional routing. Accordingly, Applicant submits that Claims 20 and 22-23 are allowable over this reference.

Rejection of Claims 7-8 and 10-12 under 35 USC §103(a)

The Examiner has rejected Claims 7-8 and 10-12 as being unpatentable over the combination of Peterson, Rodriguez, and Klevens. Applicant respectfully disagrees.

Applicant has amended independent Claims 1 and 9 to reflect the aspects as discussed in detail hereinabove. As Claims 7-8 and 10-12 ultimately depend from Claims 1 and 9, respectively, and such independent Claims 1 and 9 are now believed to be allowable, Applicant submits that Claims 7-8 and 10-12 should now be in condition for allowance.

Rejection of Claims 16 and 19 under 35 USC §103(a)

The Examiner has rejected Claims 16 and 19 as being unpatentable over the combination of Peterson and Klevens. Applicant respectfully disagrees and notes that the Examiner has failed to provide any motivation whatsoever in paragraph 33 of the Office Action.

Notwithstanding such omission, Applicant points out that Claims 16 and 19 have each been incorporated into their respective independent claims and have accordingly been canceled.

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Conclusion

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

Respectfully submitted,

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DRH/sew

Attachment: Replacement Sheet